

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CHRISTIAN DIOR COUTURE, S.A.,

Plaintiff,

v.

THE PARTNERSHIPS AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE “A,”

Defendants.

Case No. 22-cv-02391

Hon. Steven C. Seeger

Magistrate Judge Gabriel A. Fuentes

**PLAINTIFF’S MOTION FOR RECONSIDERATION OF ORDER [26] AND
EXTENSION OF DEADLINES SET IN ORDER [26]**

Plaintiff Christian Dior Couture, S.A. (“Plaintiff” or “Dior”) respectfully moves this Honorable Court for reconsideration of its Order [26] and extension of deadlines set in Order [26].

In the present case and similar other cases, Defendants’ email addresses are largely unknown¹ when the Complaint is filed. Once a TRO is entered authorizing expedited discovery and an asset restraint, Plaintiff will serve the TRO on the relevant third parties to implement the asset restraint and obtain Defendants’ email addresses for use in electronically serving the Complaint.

On October 4, 2022, the Court entered a Temporary Restraining Order (“TRO”) [28] against Defendants, including authorizing expedited discovery. The TRO authorizes Plaintiff to serve third-party discovery with responses due “not less than 10 days after service.” [28] at ¶ 3. The TRO also provides that Plaintiff “shall work cooperatively with third parties impacted by this

¹ Plaintiff currently has the registrant email addresses for the Domain Names, as well as certain Online Marketplace Accounts where Plaintiff purchased counterfeit products using PayPal. However, serving those email addresses prior to the TRO being effectuated by the third parties would defeat the purpose of the TRO being under seal and *ex parte*, giving some of the Defendants advance warning that their assets are about to be restrained and permitting them to move them offshore.

Order and make reasonable, good faith efforts to ease the burdens imposed by Dior's request for expedited discovery." *Id.*

Additionally, the Court set certain case management deadlines, including that: (1) Plaintiff must effectuate service of process by October 7, 2022; (2) Responses to the complaint are due by October 21, 2022; (3) Motions for default and default judgment are due by October 24, 2022; and (4) Responses are due by October 27, 2022 ("Case Management Deadlines"). *See* [26]. The Court also directed "counsel to serve a copy of this Order on Defendants, and file a certificate of service" and noted that "failure to comply will lead to dismissal." *Id.*

It is unlikely that Plaintiff will be able to comply with the Case Management Deadlines because it will not have the email addresses to serve Defendants. Specifically, the Case Management Deadlines require Plaintiff to effectuate service of process within 3 days from entry of the TRO. [26]. However, the Third Parties are not required to provide Defendants' email addresses until 10 days from entry of the TRO. [28]. In Plaintiff's experience working with the third parties Walmart Inc., Wish.com, and PayPal, Inc. in other similar cases, it typically takes the third parties approximately 7-10 days to complete effectuating the TRO, including providing email addresses for Defendants. Declaration of Amy Ziegler ("Ziegler Declaration") at ¶ 2. As such, it is unlikely that Plaintiff will be able to serve Defendants by the current Case Management Deadlines.² Plaintiff respectfully requests additional time to serve Defendants, namely until October 14, 2022.

² The Court indicated that it was not inclined to grant any extension of the TRO. [27]. In Plaintiff's experience working with Alibaba, Inc., the operator of AliExpress.com, Alipay, Ant Financial Services Group ("Ant Financial") (collectively, "AliExpress") in other similar cases, it typically takes AliExpress in excess of 14-21 days to complete effectuating the TRO, including providing email addresses for Defendants. Ziegler Declaration ¶ 3. To cooperate with AliExpress and allow them additional time to effectuate the TRO, Plaintiff typically obtains a 14-day extension of the TRO, as permitted by Fed. R. Civ. P. 65(b)(2). *Id.* In addition, China is currently celebrating the National Day holiday (October 1 through October 7), and Plaintiff's point of contact at AliExpress is out of the office until October 10, 2022. *Id.*

In addition, it is common for defendants in these types of cases to contact Plaintiff's counsel regarding settlement once they have been served. Ziegler Declaration ¶ 4. In view of this, requiring Plaintiff to move for default judgment so quickly after Defendants' responses are due may result in motions from Defendants seeking additional time to respond. To avoid unnecessary additional motions and use of judicial resources on those motions, Plaintiff respectfully requests that this date also be extended to permit time for settlement discussions.

For the above reasons, Plaintiff respectfully requests that the Court reconsider and extend the Case Management Deadlines as follows: (1) Plaintiff must effectuate service of process by October 14, 2022; (2) Responses to the complaint are due by November 4, 2022; (3) Motions for default and default judgment are due by November 23, 2022; and (4) Responses are due by November 28, 2022.

Dated this 5th day of October 2022.

Respectfully submitted,

/s/ Amy C. Ziegler

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Since a TRO extension will be necessary for AliExpress to effectuate the TRO, and the Court has already advised that it is not inclined to grant one, Plaintiff intends to remove these Defendants and move for a corresponding reduction of the bond (bond is set at \$1,000 per Defendant). The removal of these Defendants will permit the case to move more quickly and in line with the Court's timeline.